IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22701 of 2004

Between:

V.Hanumanthareddy, S/o.Rammanna,
Gajulapalli (V), Gooty (M), Anantapur District.

... PETITIONER

AND

1. The Joint Collector, Anantapur, Anantapur District.
2. The Revenue Divisional officer, Anantapur, Anantapur District.
3. The Mandal Revenue officer, Gooty, Anantapur District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus declaring the action of 1st respondent in issuing the impugned proceedings vide D.Dis.No.K4/ATP/1054/ 2004, dt.6-11-2004 in confirming the orders of the 2nd respondent in suspending the authorization of the petitioner pending enquiry as arbitrary, illegal and consequently direct the respondents to permit the petitioner to continue as fair price shop dealer pending disposal of the enquiry before the 2nd respondent in the interest of justice.

Counsel for the Petitioner: MR.P.NAGENDRA REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following :

O R D E R:

The authorization of the petitioner was suspended by the second respondent, through a show-cause notice-cum-suspension order dated 28.08.2004. Aggrieved thereby, he preferred an appeal before the first respondent. The said appeal was rejected on 6.11.2004. The petitioner assails the same.

On the allegations that the petitioner did not supply kerosene oil to certain card holders, collected rates higher than the rice, short supply of the commodities etc., the second respondent directed the petitioner to show cause as to why the dealership shall not be cancelled. Simultaneously, he suspended the authorization. In the appeal preferred by the petitioner, several grounds touching on the merits of the matter were raised. The first respondent has undertaken extensive discussion in his order dated 6.11.2004, and rejected the appeal.

Learned counsel for the petitioner made an endeavour to convince the Court that the view taken by the first respondent is not correct. In this regard, it needs to be observed that even if it is possible to take a different view, a writ petition cannot be converted as the one into a further appeal. The dealership was suspended way back in the month of August, 2004. To restore the same to the petitioner as an interim measure, even before the second respondent passes an order, taking the facts and circumstances into account, does not appear to be proper.

Hence, the writ petition is disposed of, directing the second respondent to pass final orders in the proceedings initiated against the petitioner, duly taking the explanation submitted by the petitioner into account, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that in the event of any failure on the part of the second respondent to pass orders within that period, the dealership of the petitioner shall stand restored, and that he would be entitled to function as such, till the second respondent passes final orders. There shall be no order as to costs.

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8th December, 2004

Note: Issue copy in three days.

(B/o)

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To

1 The Joint Collector, Anantapur, Anantapur District.
2 The Revenue Divisional officer, Anantapur, Anantapur District.
3 The Mandal Revenue officer, Gooty, Anantapur District.

4 Two C.Cs to the Government Pleader for Civil Supplies,

High Court Buildings, Hyderabad.

5 Two C.D.copies.